(11)

Previous references.

Sls 1-2 B of this file

1903.

(Police)

File No. 49

Serial Nos. 3-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3-4.

Part B. for

SUBJECT.

Joint licences under the Mysore Arms Regulation.

Table of Contents

4-7-03 (6 2 " Ho 29

Submitting for orders the petition of Mr B Ganeda Char for a joint licence under the Arms Regulation.

Mr Hon Jt Magistrate's opinion stating that no joint licence can be granted for possessing, carrying, or using arms with arms and not merely to those named in forms IV & V.

I do not consider it illegal to issue a

Mysore Govt. Secrett.
~~Office of the Dewan of Mysore.~~

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch — Judicial

Subject — Joint licenses under the Mysore Arms Regulation.

Letter No. 599/44 dated 29-4-04 from the Dt. Magistrate, Shimoga.

Messrs B. Gundachar, Advocate and B. Narasimmangar, 1st grade pleader, Shimoga applied for the grant of a license for carrying a revolver for self. protection. In reply they were ~~asked~~ told that a joint license in their names cannot be granted as Govt. Proceedings No. 1457-64 J dated 23rd January 1904 prohibits such grant. They now submit a petition through the Dt. Magistrate, Shimoga, praying for a reconsideration of the Govt. order referred to for the reasons given below

did not consider it illegal to issue a license on joint names.

4 Under the General Clauses Regulation of 1899, a "person" is defined to include any Company or association or a body of individuals whether incorporated or not. They come under that definition, as they both live together and belong to a firm of legal practitioners. It will be an anomaly to ask each member of a firm or of a joint Hindu family to take out a separate license for one and the same arm.

Subt for orders. The Dt Magistrate does not give his opinion, but merely forwards the petition for orders.

SW 2/5/24. The arguments advanced by Mr Sandbachar, though set forth with some plausibility, are in my opinion unlegal & not capable of being accepted. The reflex of the definition in the General Clauses Regn Act

dismissed with the remark that the word "person" does not always include a body of individuals, but only where there is nothing repugnant to such an extension of the meaning in the subject or context.

Now sections 8, 9, 10, 11 & other provisions of the Arms Act relating clearly to individuals, ~~that~~ each person ~~being armed~~, or having arms in his possession, must necessarily have a license to entitle him so to do. The whole tenor of the law ~~& all~~ ~~joint~~ licenses in the name of multiple persons; if such licenses had been contemplated, the law would have made some reference to them, & provided (for instance) for one of the licensees rights in arms being saved when the other's rights are confiscated under section 19, & so forth. The case of retainers is entirely different, as it is the principal personage's license that covers the retainers possession; no separate or joint license for the retainer is issued.

The argument that it would be anomalous to require different licenses for the several arms is also not worthy of acceptance, since the license is for the individual not

below :—

1. Licenses in their joint names have been uniformly issued by Govt for more than 12 years without any objection

2. The license granted to them is in Form V, about which no reference was made to Govt and the Govt Proceedings quoted above applies only to licenses issued in Forms Nos IV and VII.

[N.B – This is wrong. Form V is intended for going armed on a journey, ~~Form~~ whereas Form IV is for carrying or possessing arms for self protection & ~~Form~~ VII for the purpose of destroying wild animals. Mr Gaundachar should take out a license only under Form IV, as he ~~is to have~~ possesses arms ~~only~~ for self-protection.]

3. The instructions issued on the back of the Form viz " this license covers only the persons and the arms named therein unless it is certified to cover the retainers of the holder " indicate that the legislature

far as he ~~does~~ goes armed or unarmed, & not for the thing. In fact the same license often covers several arms & a certain quantity of ammunition, which would not be the case if each required one license & no more or less.

The ~~court~~ at the back of form V, ~~it~~ that the license covers any & the persons & the arms named therein unless it is certified to cover retaining the holder", is not significant in any way, as both singular ("holder") and plural ("persons") are used. The allusion is simply to the form & license generally & not to the particular license issued. ~~And there, for instance, it is said~~ The point does not need elaborating.

Lastly, the fact (which seems to be true) that licenses in the name of Mr Jarmdacher & his brother were countenanced in former years when the question was not considered, is no reason why the old incorrect practice should be adhered to when it is found to be wrong.

I think a brief order, that I do not see no reason to reconsider their order of 23 Feb 09, maybe phrased

and the Dt Magte asked to dispose of the petition (addressed to him) accordingly.

The other point may be noted in the order. A license in Form No. V (which Mr Sandachee has apparently been taking out, if his statement in para 2 of his petition is believed) and covers persons during a journey; and if the license-holder treats it as empowering him to retain arms on other occasions, he is liable to prosecution.

The copy of license tendered is, however, in Form IV

Draft order for appeal -

3-5-04

Sent to the Press through the Counsellor

3/5/04

1251
3.5.04

The order of 23/10/04 and papers in the Secretariat seem correct & there are no grounds for a re-consideration of it.

Before making order however it is not possible to find out what the practice in Bristol under s 2 of the Arms Regulation & Rules are based on the Indian

Sir & Madam Rule.

14/5/04

17594
9.5.04

K.C. 575 1861

I shall write - we may adhere with ordinary endorsement

WWB
12.V.04

Noted to the 1st C.- KL 14/5/04

RL
16.5.04

I have no objection - The order proposed may be signed without making the requisite declaration by me.

16-7-5/04

II Cur. 3014

J. 1652A

MYSORE GOVERNMENT 190 30 APR 1904 ENG. SECRETARIAT.

From

O/C Sanctioning Asst Engr
District Magistrate
Shimoga District

To

L. Srikantaiah Esqr
Secretary to the Government
General and Revenue Depts
Bangalore

Dated 29th April 1904.

Despatched

Received

General No. 1529

No. 44

Enclosure No. 1 file

Government Proceedings
No. 1457-64 dated 23rd
January submits for or-
ders petition of Mr. B. Ga-
nachari, for a grant of
excise under the Arms
Regulation.

No. 599/44 Guilfile

District Magistrate's Court
Shimoga District
Dated 29th April 1904

From
M. S. Narayan Rao Esqre
District Magistrate
Shimoga District

To
L. Anantasami Rao Esqre.
Secretary to the Government
General and Revenue Depth.
Bangalore.

Sir

Adverting to Government Proceedings No. 1457-64 dated 23rd January ordering that every person who seeks to possess or carry arms must take out a separate license under the Arms Regulation and that joint licenses cannot be given I have the honour to submit herewith for orders of the Government the petition of Mr. G. Gundachar Advocate received with the Shimoga Amildar Magistrate's Memo. No. 540 dated 13th instant, praying that for reasons stated in the petition the license now issued in the joint names of himself and his brother may be allowed to stand

for the current year

2. The entire correspondence regarding the Shimoga Municipal Magistrate's Stall No 540 is herein enclosed for reference and kindly return when no longer required.

I have the honor to be
Sir,
Your most obedient Servant
[illegible]
For District Magistrate
Shimoga District.

Encl

Read again;

Government Proceedings No I457-64 dated the 23rd January I904 directing that every person who seeks to possess or carry arms must take out a separate license under the Arms Regulation, and that joint licenses cannot be allowed.

Read also;

Letter No 599-44 dated the 29th April I9o4, from the District Magistrate of Shimoga, submitting for orders a petition from Mr Garudachar, Advocate, praying that a joint license in the name of himself and his brother may be allowed.

Order thereon.

Government see no reason to reconsider their order of the 23rd January I904 read above. That order, it is observed, is applicable to all licenses for possessing, carrying, or going armed with arms; and not merely tc those issued in Forms IV & V. The District Magistrate will dispose of the petition submitted by him in the light of this direction.

2 The District Magistrate will also take note that a license in Form No V only covers possesion for the period (to be specified)

4

of a journey, and that it does not empower the use or possession of arms on all occasions generally.

3.5.04

Secretary 14/5/04

Print 16.5.24

To

The District Magistrate, Shimoga,
returning enclosures.

Copy to other District Magistrates.

Copy to the I. G. of Police.

Sent to Shimoga
& other print
16/5/24